

DOCKET NO.: ISIS0002-103 (ISIS-5027)**PATENT****REMARKS**

Claims 94-164 are pending in the application and are subject to restriction and election of species. The Examiner asserts that claims 94-164 are directed to six patentably distinct inventions for examination. Group I, encompassing claims 94-111, 113, 121, 122-126 and 155-164, is said to be "drawn to a method of modifying a target RNA in a cell via an oligomeric compound, classified in class 514, subclass 44." Group II, encompassing claim 112, is said to be "drawn to a cleavage product, classified in class 536, subclass 23.1." Group III, encompassing claims 114-119, is said to be "drawn to a method of forming a double stranded RNA, classified in class 435, subclass 6." Group IV, encompassing claim 120, is said to be "drawn to a double stranded RNA made by a method, classified in class 536, subclass 23.1." Group V, encompassing claims 127-150, is said to be "drawn to an oligomeric compound, classified in class 536, subclass 24.1." Group VI, encompassing claims 151-154, is said to be "drawn to an assay device or kit, classified in class 435, subclass 283.1." The Office further requires election of species of the modifications recited in claims 155-164. Applicant respectfully traverses and requests reconsideration of the Restriction Requirement.

Applicant provisionally elects herein Group I, encompassing claims 94-111, 113, 121, 122-126 and 155-164. Applicant also elects the modification "peptide nucleic acid" for examination which is explicitly recited in claims 157 and 158. Claims 94-111, 113, 121, 122-126 and 155-164 are generic to "peptide nucleic acid" and thus read on the elected invention. Applicant's undersigned representative thanks the Examiner for the informal interview on November 8, 2004 in which the election of species requirement was discussed. The Examiner indicated that if claim 157 (reciting "peptide nucleic acid") was found to be allowable, the Examiner would search the next modification, such as, for example, "ethylene oxide linkage" recited in claim 159. The Examiner also indicated that he would call Applicant's undersigned representative if and when the elected species was found to be allowable.

Notwithstanding the foregoing, Applicant respectfully submits that no serious burden would be imposed upon the Examiner by combining several of the groups.

Applicant reserves the right to prosecute the claims encompassed by any of the non-elected groups in future divisional applications.

DOCKET NO.: ISIS0002-103 (ISIS-5027)**PATENT**

The examination of the pending claims and passage to allowance are respectfully requested. An early Notice of Allowance is therefore earnestly solicited. Applicant invites the Examiner to contact the undersigned at (215) 665-6914 to clarify any unresolved issues raised by this response.

Respectfully submitted,



Paul K. Legaard, Ph.D.
Registration No. 38,534

Date: 8 November 2004

COZEN O'CONNOR, P.C.
1900 Market Street
Philadelphia, PA 19103-3508
Telephone: (215) 665-6914
Facsimile: (215) 701-2141